IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

LORI ANN MORRIS,	
as Administratrix of the Estate of	
Vernell Brian Morris.	
Plaintiff,	CIVIL ACTION NO.:
vs.	CIVIL ACTION NO
FLORIDA TRANSFORMER, et al.	
Defendants.	

PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW the Plaintiff in the above-styled cause and propounds the following Interrogatories and Requests for Production to the Defendant, Florida Transformer:

- 1. Copy and attach the entire driving record, personnel and employment file in the defendant's possession to date on the driver involved in this accident, Edward Neal Thompson. and attach a photostatic copy of each and every page of the "driver logs" for fourteen days prior to and inclusive of the date of the accident made the basis of this complaint.
- 2. Was this defendant correctly identified in the Summons and Complaint filed in this case? If not, state the correct designation of this defendant.
 - 3. Provide the following identifying information for this defendant:
 - The way in which this defendant operates its business, i.e., corporation, a) partnership, proprietorship, or other form;
 - Principal place of business; b)
 - State under whose laws this defendant is incorporated or organized; c)
 - The kind of business in which this defendant is engaged. d)
 - 4. Did this defendant own the tractor-trailer truck operated by the driver at the time of the

accident? If not, state the name and address of the owner.

- 5. Is this defendant a common carrier or contract carrier within the meaning of the regulation of the Interstate Commerce Commission.?
- 6. Did this defendant, or anyone on its behalf, submit a report of the accident (however designated) to the Department of Transportation, National Transportation Safety Board, Alabama Public Service Commission or any other governmental agency on account of the accident in question? If so, produce and attach a complete copy of the report.
 - 7. State in complete detail how this defendant contends the accident in question occurred.
- 8. State the names and addresses of all persons who this defendant contends is responsible in any way for the accident in question.
- 9. State the names and addresses of all persons who may have witnessed, in whole or part, the accident giving rise to this lawsuit.
- 10. With respect to all persons expected to be called as expert witnesses at the trial of this action, state the following:
 - a) Name and address;
 - b) Filed in which the witness will be offered as an expert;
 - c) A summary of the qualifications of the proposed expert witness;
 - d) Attach a copy of the curriculum vitae of each such expert witness;
 - e) The substance of the facts of the expert testimony;
 - f) The substance of the grounds of each expert opinion;
 - g) The complete name of any treatise, article, regulation, standard, rule or other writing upon which the expert will relay in support of this testimony;
 - h) Attach a copy of any report or memorandum (however designated) prepared by the expert.
- 11. Does this defendant contend that the plaintiff contributed in any fashion to cause the accident in question? If so, state fully how you contend he contributed.

- 12. Did the defendant driver of the tractor-trailer truck in any manner fail to comply with any company rule or regulation on the date of the accident in question? If so, state the substance of each rule or regulation violated.
- 13. Attach and copy any and all bills of lading from August 1, 2004 through the date of the accident for the truck involved in the accident.
- 14. Copies of any and all dispatch logs or other documentation of any type whatsoever stating the travel route and destination for the fourteen days prior to and inclusive of the date of the accident made the basis of this complaint for the Florida Transformer truck involved in the accident.
- 15. Copies of any and all fuel tickets, purchases, control slips, computer printout sheets or any documentation whatsoever showing fuel purchased or any purchases from August 1, 2004 through September 4, 2004, relating to this truck and defendant driver.
- 16. Copies of any documentation whatsoever which would show the "hub miles" as recorded on the vehicle made the basis of this accident from August 1, 2004, through September 4, 2004.
- 17. State the name of the driver and his address that was involved in the accident that is made the basis of this complaint and also give the license plate and serial number of the tractor-trailer involved, giving a thorough description of same.

1

- 18. Please provide me with legible photographs of the sides and frontal and rear views of the truck involved in the accident.
- 19. Produce all maintenance records on the truck involved in this accident from August 1, 2003 through September 2, 2004.
 - 20. Produce copies of any statements taken by you, whether written or audio.

Done this the 31 stay of August, 2005.

H. L. PENICK & ASSOCIATES, PC.

Henry L. Penick Attorney for Plaintiffs

SERVED WITH COMPLAINT.

Of Coursel



Alabama SJIS Case Detail

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Case Action Summary

Page 2 of 2

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09132005	0855	RETU	RETURN OF UNCLAIM CERT ON 09/06/2005 FOR D002	MAA
09132005	0857	SERC	SERVICE OF CERTIFIED MAI ON 09/06/2005 FOR D001	MAA

H. L. Penick & Associates, P.C.

Henry L. Penick Anita Terry Tye C.H. Brantley Attorneys at Law
Penick Building
319 - 17th Street, North - Suite 200
P.O. Box 967
Birmingham, Alabama 35201
Website: www.penickandassoc.com

Phone (205) 252-2538 Fax (205) 251-0231

December 9, 2005

W. Evans Brittain
Ball, Ball, Matthews & Novak, P.A.
2000 Interstate Park Drive, Suite 204
P.O. Box 2148
Montgomery, AL 36102-2148

RE: Lori Ann Morris v. Edward Neal Thompson and Florida Transformer, Civil Action No.: 3:05-CV-962-T, Middle District of Alabama

Dear Mr. Brittain:

Earlier this week, I received an Order from Judge Thompson requiring me to respond to certain discovery propounded by Defendants. Pursuant the Federal Rules of Civil Procedure governing removal, and to the local rules, the Plaintiff's discovery initiated in the Circuit Court of Macon County is due. Within ten (10) days of receipt of this letter, please provide me with the responses to Plaintiff's discovery. Plaintiff's discovery was initiated first. I would appreciate receiving said discovery before responding to the discovery propounded by Defendants.

If responses to interrogatories and request for production are not received within ten (10) days, I will be required to file a Motion to Compel.

If you have any questions regarding this matter, please call.

Very truly yours,

Henry L. Penick

Henry L. Penick Anita Terry Tye Attorneys at Law
Penick Building
319 - 17th Street, North - Suite 200
P. O. Box 967
Birmingham, Alabama 35201
Website: www.penickandassoc.com

Phone (205) 252-2538 Fax (205) 251-0231

March 15, 2006

W. Evans Brittain
Ball, Ball, Matthews & Novak, P.A.
2000 Interstate Park Drive
Suite #204
P.O. Box 2148
Montgomery, AL 36102-2148

RE: Lori Ann Morris v. Edward Neal Thompson and Florida Transformer
Civil Action No.: 3:05-CV-962-T

Dear Mr. Brittain:

I am in receipt of your interrogatories and requests for production served on February 22, 2006. As I have indicated to you earlier, I served interrogatories and requests for production on the defendants prior to any requests served by defendants. For this reason, I am, once again, requesting that you provide answers to plaintiff's discovery within ten (10) days. After I receive the responses from defendants, I will provide responses to defendants' discovery requests.

If you expect this case to ever move forward, then you should respond to plaintiff's discovery. Otherwise, you are burning valuable discovery time. If you have any questions in the meantime, please call.

Very truly yours,

Henry L. Penick

HLP/pt

ce: Dr. Edward A. Robinson, III

	The presence of a certain condition may to treatment. Even if a condition does the necessary steps to correct the condition to condition the condition that the	Height: 1 Iy not necessar not disqualify a	r, particulari examiner m	Weight: 202 (lbs.) Name: Last, a driver, particularly if the condition is contredical examiner may consider deferring the	diver, the medical examiner may consider deferring the def	l d
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	6. Lungs and chest, not including breast examination.	Abnormal chest wall expansion, abnormal respiratory rate, abnormal breath sounds including wheezes or alvedar rates, impaired respiratory function, cyanosis. Abnormal findings on physical exam may require further testing such as pulmonary tests and/or xray of chest.		musculoskeleta 12. Neurological	Impaired equilibrium, coordination or speech pattern; asymmetric deep tendon reliexes, sensory or positional abnormalities, abnormal patellar and Babinski's reliexes, ataxia.	
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gh 7) Name: Last, First,	INSTRUCTIONS: When use of corrective lenses should be noted on the Medical Examiner's Certificate. Table with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to thair use must be provided. ACUITY (UNCORRECTED CORRECTED HORIZONTAL FIELD OF VISION Left Eye 20/1/L2	Date of Examination Name of Ophthalmologist or Optometrist (print) Tet. No. License No./State of Issue Signature Signature Signature Signature Signature Signature A. III A.	b) if audiometer is used, record hearing lose in 600 t-iz 1000 Hz decibels, (acc. to ANSI 224.5-1951)	Numerical readings must be recorded. Medical examiner should take at least two requires to construct the construction of the c	Expiration Date	1 year	One-time certificate for 3 months.	6 months from date of exam if ≤ 140/90	rded. URINE SPECIMEN	3 Celludding
completes Section 3 through 7) Name: Last, 0 aculty (Snellen) in each eve with	VSTRUCTIONS: When other than the Snallan chart is used, give test-results in Snallan Correction. At least 70° per vito with 20 as numerator and the smallest type read at 20 test as denominator. If the applicant wears corrective lenses, these shound was contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use not the supplicant wears corrective lenses, these should write the applicant wears corrective lenses, these should device showing standard and adaptation to their use not their not	Name of Ophthalmologist or Optometrist (print) Tet. No. Standard: a) Must first perceive forced whispered voice ≥ 5 ft., with or without hear! Check if hearing aid used for tosts. ☐ Check if hearing aid required to meet standard. Sonvert audiometric test results from ISO to ANSI, -14 dB from ISO for 500 Hz, -10 dB for 1,000 Hz,	Right Ear Loft Ear b) If audioms		Reading Category	140-159/90-99 Slage 1	160-179/100-109 Stage 2	≥ 180/110 Stago 3	ST FINDINGS Numerical readings gar in the urine may be an indication for it	28/24-Gete with 201 Fastery - Bellewinn
3. Wilder Standard: At least 20/40 acuity (Sneller	INSTRUCTIONS: When other than the Snallar ratio with 20 as numerator and the smallest type habitually wears contact lenses, or intends to do Numerical readings must be provided. ACUITY (UNCORRECTED CORRECTED Right Eye 20/ 1/2 20/ 16/ 20/ 20/ 16/ 20/ 20/ 20/ 20/ 20/ 20/ 20/ 20/ 20/ 20	Date of Examination A. INFORMATION Standard: a) Must first perceive finested and divide by 3. Numerical results from IS.	a) Record distance from individual at which forced whispered voice can lifst be heard.	5. BLOOD PRESSURE / PULSE RATE	[9		Pulse Rate: KReguiar Dirregular	Record Pulse Rate: 64	6. LABORATORY AND OTHER TEST FINDINGS Numerical readings must be reco- Urinalysis is required. Protein, blood or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.	75

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Medical Examination Report

649-F (Rev. 10/03) (6045) Definiting, dizziness
Sieep disorders, pauses in breathing while asteep, daylime For any YES answer, indicate onset date, diagnosis, treating physician's name and address, and any current limitation. List all medications (including over-the-counter State of Issue l certify that the above information is complete and true. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate. Missing or impaired hand, arm, foot, leg, linger, toe Medical Examiner's Comments on Health History (The medical examiner must feview and discuss with the driver any "yes" answers and potential hazards of medications, including over-the-counter medications, while driving. This discussion must be documented below.) Date of Exam 4-26-4 N CO Joense Class A Narcotic or habit forming drug use Li Regular, frequent alcohol use LE New Certification Repliness, loud snoring Spinal injury or disease Recertification Follow Up Chronic low back pein Stroke or paralysis FOR COMMERCIAL DRIVER FITNESS DETERMINATION 65/240 Driver License No. Yes No Driver completes this section, but medical examiner is encouraged to discuss with driver SQC Zu Date C Nervous or psychiatric disorders, e.g., severe depression D Lung disease, emphyselna, asthma, chronic bronchilis Age · Si Home Tel: (334) 449-165 - The from - When Blood Sugar La Diabeles or elevated blood sugar controlled by: 10-30-12 Birthdate Loss of, or affered consciousness Nork Tel: Akulney disease, dialysis P Digestive problems Social Security No. medication ... L'Iver disease D D Bls 36340 Driver completes this section. Yes Genera HE City, State, Zip Code Heart surgery (valve replacement/bypass, anglophasy, pacemaken) Heart disease or heart attack; other cardiovascular condition Driver's Signature Eye disorders or impaired vision (except corrective lensus) en Im Sucophay & Hucohal V Nead/Grain injuries, disorders or illnesses medications) used regularly or recently. Ear disorders, loss of hearing or balance Any illness or injury in the tast 5 years? DHIVER'S INFORMATION a como High blood pressure I medication. Driver's Name (Last, First, Middle) 2. HEALTH HISTORY Shortness of breath Seizures, épilepsy Muscular diseaso _ medication_ medication. C. W. W. Sen Address Ves No

STATEMENT OF VIOLATIONS

§§391.25, 391.27

This form is to be completed at least once every 12 months. DRIVER'S NAME Edward Real Thompson I certify that the following is a true and complete list of traffic violations (other than parking violations) for which I have been convicted or forfeited bond or collateral during the past 12 months. (If no violations, put NONE in the offense column.) DATE OF **COMMERCIAL MOTOR VEHICLE** CONVICTION OFFENSE LOCATION OR AUTOMOBILE If no violations are listed above, I certify that I have not been convicted or forfeited bond or collateral on account of any violation required to be listed during the past 12 months. Transformer, Inc. NAME OF MOTOR CARRIER Florida

Certificate of Review -To be certified by a motor carrier supervisor. I have hereby reviewed the driving record of ____ DRIVER'S NAME in accordance with §391.25 and find that he/she: Meets minimum requirements for safe driving. __ Is disqualified to drive a commercial motor vehicle pursuant to §391.15. Reason for disqualification: SUPERVISOR'S SIGNATURE

Distribution of Copy: Driver Qualification File with a copy of Motor Vehicle Driving Record attached.

FTI

No. 1091

Copyright @ 2/02

Reorder from Trans Products

1-800-367-9100

PO Box 898 Milford, DE 19963

46-965



Dart Transit Company				
		0000		
To: Florida Transformer				
Re: Edward Thompson Social Security 417-88-	9.31	2		
To: Florida Trans former Re: Edward Thompson Social Security 4/7-88-93/9 He/ She is an Owner/ Operator Company Driver Dates of Service: From 4/26/04 To Position: Driver, Tractor Trailer Hauling: General Commodities State Authority: 48 plus Canada Reason for separation: Voluntary Quit Discharged Currently Employed ACCIDENT / INCIDENT INFORMATION DATE PREV / NP DESCRIPTION RECORDABLE Golfflog NP #1 Struck #2 in react. Eligible for rehire: Upon Review 1. Had a test with a confirmed breathe alcohol level of 0.04 or greater in the past 3 years? YES NO ACCIDENT Group of the past and or a previous employer that this individual violated DOT drug & alcohol regulations in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past 3 years? YES NO ACCIDENT Greater in the past three (3) years? YES NO ACCIDENT Greater in the past three (3) years? YES NO ACCIDENT Greater in the past three (3) years?				
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Position: Driver, Tractor Trailer Hauling: General Commodities Pulling: 53 foot Dry Van Trailer State Authority: 48 plus Canada	ď		14	
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☐ Voluntary Quit ☐ Discharged ☐ Currently Emp	loyed			
ACCIDENT/INCIDENT INFORMATION			Constitution of the Consti	
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